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Fish and Wildlife Service

50 CFR Part 17

Addition of Argali to List of Endangered and Threatened Wildlife; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB42

Endangered and Threatened Wildlife and Plants; Addition of Argali to List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Effective January 1, 1993, the Service adds the argali (*Ovis ammon*), a wild sheep of Asia, to the List of Endangered and Threatened Wildlife. The species is classified as endangered throughout its range, except in Kyrgyzstan, Mongolia, and Tajikistan, where it is designated as threatened. The argali has declined seriously, though substantial and relatively secure herds are thought to exist in parts of the three countries specified. A special rule, included herein, provides for the limited importation of trophies taken legally in those three countries, once the Service has received from the governments thereof properly documented certification of adequate population status, management, regulatory enforcement, and utilization of funds derived from sport hunting for argali conservation. Extension of the special rule to argali populations in certain other countries is a future possibility. This final rule implements the protection of the Endangered Species Act of 1973, as amended, for the argali.

EFFECTIVE DATE: January 1, 1993.

ADDRESSES: The complete file for this final rule is available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, in room 750, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority; Mail Stop: Arlington Square, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240 (phone 703–358–1708, FAX 703–358–2276).

SUPPLEMENTARY INFORMATION:

Background

The argali (*Ovis ammon*) is an Asian relative of the North American bighorn sheep (*Ovis canadensis*), but averages somewhat larger in size, and, indeed, is the largest species of wild sheep. In adult males, length is about 70–80 inches (180–200 centimeters), height is 43–49 inches (110–125 centimeters), and weight is 210–310 pounds (95–140 kilograms). The massive spiral horns are up to 75 inches (190 centimeters) long and 20 inches (50 centimeters) in circumference. The general coloration is light brown, with a large white rump patch and white legs (Geist 1984).

The historic range of the argali include Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, southern Siberia, Mongolia, north-central and western China including Tibet, Nepal, and the Himalayan portions of Afghanistan, Pakistan, and India. The species generally forages in broad valleys, high pastures, or cold deserts, and may seek refuge in adjacent mountains (Valdez 1982).

There is considerable disagreement regarding the subspecific division of *O. ammon*. Nadler *et al.* (1973) listed 17 subspecies that had been named by various authorities. In a recent revision, Geist (1991) recognized only seven, including *O. a. hodgsoni*, which he considered to occupy the Himalayas, the Tibetan Plateau, and adjacent areas from northern India and Nepal to Gansu Province of north-central China. Much controversy centers on the distribution of *O. a. hodgsoni*. Some authorities, including Pfeffer (1967) and Valdez (1982), give basically, though not always precisely, the same range accepted by Geist. Others, such as Ellerman and Morrison-Scott (1966) and Sopin (1982) restrict its range to the Himalayan region and Tibet. They recognize another subspecies, *O. a. dalailamae*, in the Kun Lun Shan Mountains and other parts of the northern Tibetan Plateau. Then, according to these writers, farther north in parts of Gansu Province and areas north and east, the subspecies present would be *O. a. jubata* and/or *O. a. darwini*. Still other authorities, including Clark (1964) consider the range of *hodgsoni* to extend all the way from the Himalayas to the Gobi, but also recognize the presence of *dalailamae* in a limited area to the west.

There also is disagreement with respect to the subspecies *severtzovi*, which formerly occurred in much of Uzbekistan and which now is restricted largely to the Nuratau Mountains in that country (Borodin *et al.* 1984). It is considered an argali (*O. ammon*) by some authorities and a urial (*O. vignei*) by others, though Geist (1991) indicated that further studies are needed to determine its affinities. The proposed rule of October 5, 1990, did not specifically refer to *severtzovi*, but did include its range within the over-all historic range of the species *O. ammon*. As *severtzovi* was covered by the status reports on the argali recently provided to the Service by the Caprinae Specialist Group of the Species Survival Commission of the International Union for Conservation of Nature (IUCN/SSC), and was designated as endangered therein, it will continue to be considered part of the species *O. ammon* for purposes of this rule. Should further investigations support its recognition as part of the species *O. vignei*, or any other species, it will remain listed but will be given appropriately modified scientific and common names.

In the **Federal Register** of June 14, 1976 (41 FR 24064), the U.S. Fish and Wildlife Service (Service) classified *O. a. hodgsoni* as endangered in Tibet (now officially referred to as the Chinese province of Xizang), pursuant to the Endangered Species Act of 1973 (Act). This listing was in response to a petition requesting endangered classification for all taxa that already were on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), but that then were not on the U.S. List of Endangered and Threatened Wildlife and Plants. No analysis of the differing views on the distribution of *hodgsoni* was presented in the listing notice. However, recent editions of the List of Endangered and Threatened Wildlife, which have been modified for purposes of clarity, show the range of the subspecies as "China (Tibet, Himalayas)."

In 1988 a legal action developed relative to the importation of trophies of argali killed in the Chinese province of Gansu (see Marshall 1990). In the course of this action, a dispute arose as to whether the trophies represented protected species. As pointed out in a notice issued by the Service's Division of Law Enforcement in the **Federal Register** of November 24, 1989 (54 FR 48722), it was eventually concluded that the trophies were properly identified as *hodgsoni*. However, at the same time the Service issued another notice (54 FR 48723) stating that it was considering changes to the List of Endangered and Threatened Wildlife, so that the range of *hodgsoni* would be fully and accurately delineated. The Service also stated that it had received information suggesting that additional subspecies of *O. ammon* were of serious conservation concern and might warrant classification as endangered or threatened. The notice initiated a status review that solicited comments and data relative to the taxonomy, distribution, and bioconservation status of all subspecies of *O. ammon*.

The notice yielded 15 comments, some of which are covered in the "Summary of Factors Affecting the Species," as set forth below. There was no consensus on the questions of taxonomy or

distribution of classified populations. Although there also was some disagreement on bioconservation status, most comments, as well as available literature, indicated that the species *O. ammon* has undergone a general decline, that certain, if not all, of its populations are in serious jeopardy, and that it is vulnerable to a number of problems, notably hunting and competition for forage and water with expanding herds of domestic livestock. There long has been recognition that the species has disappeared from or become rare in much of the periphery of its historical range—northeastern China, eastern Mongolia, southern Siberia, central Kazakhstan, Uzbekistan, Afghanistan, Pakistan, India, and Nepal (Borodin *et al.* 1984; Harper 1945; Schaller 1977). However, there had been a general view that the argali remained relatively common and well protected in the heart of its range, particularly the Tibetan Plateau and Gobi Desert (Cai 1985; Mallon 1985). Now there is evidence of a serious deterioration of status even in those regions.

In the **Federal Register** of May 23, 1990 (55 FR 21207), the Service announced completion of its status review and its intentions for a proposed rulemaking. Many questions remained both with respect to taxonomy and bioconservation, but for purposes of the proposed rule the Service decided to address the entire species as a single entity and to propose an over-all classification of threatened. The proposed rule was published in the **Federal Register** of October 5, 1990 (55 FR 40890-40896). The Service emphasized therein that it would be actively seeking additional information during the comment period, that all available data and opinions would be reviewed, and that such evaluation might lead to a final rule substantially different from the proposal. In particular, it was noted that the final rule might designate the entire species *O. ammon*, or any subspecies or population thereof, as endangered. Therefore, all interested parties were requested to consider such an alternative, among others, when examining the proposal and preparing their comments.

The proposed rule provided for a comment period lasting until February 4, 1991. In the **Federal Register** of February 8, 1991 (56 FR 5192), the comment priod was extended to April 20, 1991. In the **Federal Register** of October 25, 1991 (56 FR 55266–55267), the Service announced that, because of difficulty in obtaining information, and authoritative disagreement regarding available data, the deadline for issuing a final rule (normally a year from the proposal) would be extended by 6 months until April 5, 1992, and that the comment period would be reopened until December 24, 1991. The Service then emphasized that no decision had been reached regarding a final rule, but that information then available suggested that it might not be inappropriate to classify the entire species *O. ammon*, as endangered, except possibly in parts of the former Soviet Union and Mongolia, where it might be classified as threatened and covered by a special rule. In the **Federal Register** of January 8, 1992 (57 FR 659), the comment period was reopened until February 24, 1992.

Based on an assessment of the information received during the comment periods, together with other available data, the Service now concludes that the entire species *Ovis ammon* should be added to the List of Endangered and Threatened Wildlife. It will be classified as endangered throughout its range, except in Kyrgyzstan, Mongolia, and Tajikistan, where it will be designated as threatened and covered by a special rule. In order to avoid undue hardship to parties already committed to imminent, legitimate activities that might be precluded by the listing of the argali, and in order to give reasonable time to authorities in the three specified countries to meet the requirements of the special rule (as set forth below), the effective date of the listing will be January 1, 1993. The subspecies *Ovis ammon hodgsoni*, no matter how narrowly or broadly defined, will now be covered entirely by the endangered classification. Thus, questions regarding the taxonomy and legal history of this subspecies, which generated much interest in the course of this rulemaking, are no longer immediately relevant.

Section 4(d) of the Act provides that special rules issued for threatened species be "necessary and advisable to provide for the conservation of such species." The Service recognizes that there is a reasonable argument for the proposition that controlled sport (i.e., noncommercial) hunting may provide economic incentives that contribute to the conservation of certain wildlife populations. These incentives may be direct, by generating funding for essential conservation measures through licensing fees. They may also be indirect, by focusing governmental attention to the need to protect species of economic value. In the case of the argali, the Service has received extensive, though not unanimous, indications that populations in parts of Kyrgyzstan, Mongolia, and Tajikistan are substantial, and that sport hunting programs, with consequent exportation of trophies, may encourage and provide necessary funds for conservation. The Service, however, has not yet obtained satisfactory documentation of such a situation from government authorities in those three countries.

Considering the above, the special rule on the argali will provide for the limited importation into the United States of trophies taken legally in Kyrgyzstan, Mongolia, and Tajikistan once the Service has received from the governments of those countries properly documented and verifiable certification that: (1) Argali populations are sufficiently large to sustain sport hunting; (2) regulating authorities have the capability to obtain sound data on these populations; (3) regulating authorities recognize these populations as a valuable resource and have the legal and practical means to manage them as such; (4) the habitat of these populations is secure; (5) regulating authorities can ensure that the involved trophies have in fact been legally taken from the specified populations; and (6) funds derived from the involved sport hunting are applied substantially to argali conservation. When the indicated conditions are met, the Service will implement the regulation through publication of a notice in the **Federal Register**. Extension of this special rule to argali populations in certain other countries, together with reclassification of such populations to threatened status, is a future possibility.

In connection with this new regulation, the Service notes that the argali (exclusive of the subspecies *O. a. hodgsoni*) is on appendix II of CITES, and thus until now could be imported into the U.S. upon presentation of a proper CITES export permit from the country of origin. Section 9(c)(2) of the Act provides that the otherwise lawful importation of wildlife that is not an endangered species listed pursuant to section 4 of the Act, but that is on appendix II of CITES, shall be presumed to be in compliance with provisions of the Act and implementing regulations. There has been some question as to whether this provision of the Act might automatically require allowing the importation of a species that is both listed as threatened and on appendix II, and preclude the issuance of more restrictive special rules covering importation. However, the Service now has concluded that such special rules may be issued to provide for the conservation of the involved species. It is not clear that the reference of section

9(c)(2) to wildlife that "is not an endangered species listed pursuant to section 4 of the Act but is listed in appendix II of the Convention" was intended to apply to threatened species, which also are listed pursuant to section 4. Legislative history supports placing severe restrictions on the sport hunting of native U.S species (such as the grizzly bear in the conterminous 48 states) that are listed as threatened, limiting the activity to instances in which the hunting is "necessary and advisable to provide for the conservation of such species" and to "the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved." It is doubtful whether all such concerns could be ignored simply on the basis of an export permit issued by a foreign government. Moreover, the use of the term "presumed" implies that the established presumption is rebuttable under certain circumstances. In the case of the argali, with its history of excessive exploitation and the uncertainty concerning its management, there are substantive grounds on which to challenge the presumption. Finally, section 9(c)(2) does not prevent the issuance of appropriate special rules and could not logically have been intended to allow the addition of a species to an appendix of an international convention to override the needs of U.S. law, where there is reliable evidence to affect the presumption of validity.

It must be emphasized that the above interpretation of section 9(c)(2), as hereby adopted by the Service, is a key factor in the assignment of threatened, rather than endangered, status to the argali in Kyrgyzstan, Mongolia, and Tajikistan. If the Service were unable to issue a special rule restricting importation of trophies from those countries, and if therefore importation could proceed without assurances of adequate population status and management, such a situation would become a contributory element to factor "D" of section 4(a)(1) of the Act, "the inadequacy of existing regulatory mechanisms," and likely would be sufficient to warrant endangered classification of the involved populations. The current decision to assign threatened, rather than endangered, status to those populations was made by a very narrow margin. As explained below, there is evidence that those populations are relatively higher and more secure than elsewhere, but it also is known that their numbers have fallen from historical levels, and the Service is yet to receive official documentation of their status and management. Adding to the concern of the Service is the political and economic instability in parts of the former Soviet Union. The various problems are such that reclassification to endangered status, possibly on an emergency basis, remains under active consideration. Reclassification might become especially advisable if the Service found itself unable to adequately regulate the situation pursuant to a threatened classification.

Summary of Comments and Recommendations

In the proposed rule of October 5, 1990, and in associated notifications and subsequent extensions of the comment period, all interested parties were requested to submit information that might contribute to development of a final rule. Cables were sent to United States embassies in countries within the range of the subject species, requesting new data and the comments of the governments of those countries. A total of 41 parties commented on the proposal, some of them several times. In addition, copies of the comments of certain parties were distributed for review to certain other commenters, thereby sometimes generating further statements from the latter. Many of the comments presented new information, much of which has been incorporated into appropriate parts of this document and utilized in developing the appropriate classification and regulation for the argali. Some comments dealt with matters of opinion, plans for the future, literary format, taxonomy, and legal history, which are not relevant to the main questions at hand. Specific substantive issues, which appear to involve opposition to the measures taken in this rulemaking, are discussed below.

Issue 1.—The Service did not adequately fulfill the Act's requirement to consider the interests of or the conservation efforts being made by the involved foreign countries, and did not notify all appropriate countries, persons, and organizations.

Service Response.—Cables were sent to U.S. embassies in countries within the range of the argali, requesting that knowledgeable authorities be contacted and asked to provide opinions and data. This procedure has been standard in foreign endangered species listings for many years. Follow-up cables were sent in some cases and numerous letters were directed to specific authorities. All information received was given consideration. The Service does not consider that it must at this point initiate separate contacts with government agencies within the newly independent republics of the former Soviet Union (a recent effort was made, through the U.S. embassy in Moscow, to reach authorities there). The Service also does not consider itself obligated to contact governments in exile.

Issue 2.—The Service did not establish objective standards to evaluate the quality of information received, but used information selectively and sometimes accepted broad and poorly documented generalizations.

Service Response.—No available information was ignored, though the Service recognizes that not all existing information was or is available. Selectivity was used to some extent. The views of recognized authorities with extensive appropriate experience was given some weight. Such authorities include Dr. George B. Schaller (Science Director, Wildlife Conservation International, New York Zoological Society), who has spent many years studying wild sheep and conservation activities in Central Asia, and the Caprinae Specialist Group of the Species Survival Commission of the International Union for Conservation of Nature (IUCN/SSC).

Issue 3.—The Service did not use all of the information available or the best information and did not have enough to develop a final rule.

Service Response.—Listing rules are not intended to be complete literature reviews or status reports. The materials utilized for the proposed rule were sufficient to support that proposal. Data received during the comment period, including extensive information and assessments from the IUCN/SSC, support the final rule. Contrasting information was considered, but was often inadequately documented or dealt with very local situations.

Issue 4.—There should be no importation of trophies because the involved hunting would be contrary to the Act's requirement that special regulations allowing sport hunting apply only to the extraordinary case in which population pressures can not otherwise be relieved.

Service Response.—The provision of the Act, to which this issue refers, actually involves the hunting itself and when such should be allowed to benefit a species. This provision does not cover the act of importation, as is dealt with in this rule. While the Service considers that the intent of the Act is to provide all threatened species some level of protection (see Issue 6, below), the Service cannot regulate hunting in a foreign country. It can, however,

regulate importation of hunting trophies. A special rule providing for such importation can be justified on the grounds that the conservation of the argali is benefitted, in the same sense that a rule allowing hunting to relieve population pressures might be justified for a native U.S. species.

Issue 5.—The Service did not use sound reason and logic, particularly in that it should not have dealt with the entire species *O. ammon* as a single entity, but should have divided it into subspecies and/or populations based on its widely varying status and management needs.

Service Response.—In cases of wide-ranging species a choice must be made as to whether to provide a single classification that best reflects over-all status, or to apply various classifications and regulations to different populations. Neither approach is necessarily right or wrong. In any event, the final rule does use a split classification.

Issue 6.—Section 9(c)(2) of the Act effectively precludes restrictions on importation of threatened species that are on Appendix II of CITES.

Service Response.—As already noted, section 9(c)(2) does not expressly refer to threatened species or prevent issuance of special regulations. It established a presumption that can be challenged under specific circumstances. Much of the argument presented by the commenters on this issue centered on the supposed intent of Congress to avoid interfering with the hunting of nonendangered, including threatened, species. However, as explained above, the Act does clearly place great restrictions on the sport hunting of threatened species in the United States and it is questionable if Congress intended that foreign species be treated in a greatly different fashion. As noted above in Issue 4, the Service cannot control hunting of foreign species, but it can regulate their importation.

Issue 7.—The argali should be placed on Appendix I of CITES and given an over-all classification of threatened, thereby avoiding the problems referred to above in Issue 6 and allowing whatever special regulations are most appropriate for different populations.

Service Response.—Placing the argali on Appendix I is not an immediate prospect. In any case, as noted above, the Service considers that appropriate special regulations can be provided even if the argali remains on Appendix II.

Issue 8.—The argali has never been legally listed outside of Tibet, Nepal, and India, and there has been such confusion about its status that the Service's proposed rule could not be understood.

Service Response.—This final rule clearly shows where the argali is listed and how it is legally classified in each place.

Issue 9.—The proposal must be withdrawn because the Service did not follow it within one year by a published final rule or six-month extension of the deadline for a final rule, and also because this delay demonstrated that the Service did not have sufficient information for a final rule.

Service Response.—The publication of the six-month extension took place on October 25, 1991, only 20 days after the first anniversary of the proposed rule. Such a brief period is in keeping with statutory intent. The Service could have proceeded with a final rule even without the six-month extension, but wished to make an effort to seek and obtain new data that might help resolve the disagreement regarding information that was then available.

Issue 10.—Hunting of the argali is no longer a major problem to the survival of the species.

Service Response.—According to information provided by the IUCN/SSC Caprinae Specialist Group, poaching or excessive hunting is a significant threat to most argali populations.

Issue 11.—Although populations in Tibet, the Himalayan region, and a small part of the former Soviet Union might be appropriately classified as endangered, populations in the rest of China and the former Soviet Union, and in Mongolia do not warrant listing at all, except that some of the Chinese populations could be designated as threatened by similarity of appearance.

Service Response.—According to information provided by the IUCN/SSC, and other sources, all argali populations warrant some degree of classification on the basis of their bioconservation status alone. Additional details are provided in the following Summary of Factors Affecting the Species.

Issue 12.—At least in Mongolia, Kyrgyzstan, and perhaps parts of northern China there are substantial and well managed argali populations, effective conservation and law enforcement programs, authorities that have the capability to obtain and properly utilize needed data, and sport hunting programs that promote argali conservation efforts and yield funds for their benefit; therefore the Service should allow importation of trophies from these regions.

Service Response.—Information regarding the effectiveness of argali conservation efforts in most specific areas is limited and controversial. The most extensive supporting information comes from Mongolia, but even that case has been challenged by some authorities and has been received largely from outside parties, rather than from appropriate government agencies. There is a general consensus that proper sport hunting programs do have the potential to benefit some argali populations. The final rule does provide for importation from Kyrgyzstan, Mongolia, and Tajikistan, once specific documentation and certification has been received. As new information becomes available about argali population status and conservation in other countries, there is the potential for reclassification of the species and extension of the special regulations.

Issue 13.—The Service put too much dependence on overly general and unsupported statements from a few authorities, notably Dr. George B. Schaller.

Service Response.—Most available information pertinent to this rule is of two kinds, general statements about wildlife or environmental trends for large regions, and specific comments about argali observations in very local areas. Both kinds of information can be useful, though statements covering long-term trends of populations and problems in a general region, as assessed by a reputable authority with extensive experience in the region, can be of particular value in developing rules of this nature. In this regard, Dr. Schaller is among the world's foremost authorities on wildlife conservation, has been working in the highlands of Central Asia for many years, and is an expert on wild sheep and their relatives. He has both traveled extensively throughout the involved region and conducted a series of wildlife studies at specific localities. The results of both have been published widely in books, popular articles, and scientific papers. Dr. Sandro Lovari, chairman of the IUCN/SSC Caprinae Specialist Group, which comprises many authorities on the argali and related species from around the world, has specifically informed the Service that he trusts Dr. Schaller's views on the matter. The country-by-country status reports recently provided to the Service by the IUCN/SSC generally correspond to the view of Dr. Schaller (even though he is not a member of the Caprinae Specialist Group).

Issue 14.—The Service relied too much on hunters and their organizations and did not make an adequate effort to contact conservation and environmental organizations.

Service Response.—As already noted, there were repeated published extensions of the comment period and numerous parties were notified individually. Considerably more effort was made in contacting authorities than is usually made in the course of rulemakings of this kind. In coming to its final decision the Service depended, to a large extent, on the IUCN/SSC Caprinae Specialist Group, which in turn monitors data from authorities on environmental and wildlife conservation matters around the world.

Issue 15.—There is no firm evidence that sport hunting programs could ever benefit argali populations; a better alternative for generating conservation funds would be ecotourism projects.

Service Response.—Under current world conditions, and considering the activities of foreign governments, strictly regulated trophy hunting does, in some cases, have the potential to contribute to an economic incentive for conservation. Such benefit will have to be demonstrated prior to full implementation of the special regulation allowing limited importation of trophies from Kyrgyzstan, Mongolia, and Tajikistan. Although the Service would be interested in ecotourism and other conservation mechanisms, such would not necessarily rule out sport hunting, provided the latter has been shown to be beneficial to over-all argali populations.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the argali should be classified as endangered throughout its range, except in Kyrgyzstan, Mongolia, and Tajikistan where it should be designated as threatened. Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the argali (*Ovis ammon*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Concern for the argali is not new. Based largely on reports from the 1920s and 1930s, Harper (1945) provided a generally pessimistic review of the status of *O. ammon* and other wild sheep. He indicated that the argali once had occurred all across northeastern China to just north and west of Beijing, but had disappeared from most of the region because of agricultural usurpation of its habitat and excessive hunting by Western sportsmen. *O. ammon* also originally had been present in Siberia, but had been extirpated to the south and east of Lake Baikal by hunters in the 19th century and had declined in the Altai Mountains to the west. According to Mallon (1985), the species disappeared from northeastern Mongolia in the early 20th century. Cai (1985) noted that the argali still occurred in northeastern China, but gave no recent records. In his response to the Service's status review, Valerius Geist (University of Calgary) stated that the population of northeastern China, east of Gansu Province, is possibly extinct.

Borodin *et al.* (1984) recognized most argali populations in the former Soviet Union as being rare or vulnerable, and indicated that they had disappeared from much of their former range. Fedosenko (1985) provided an even more depressing review of the status of *O. ammon* in the former Soviet Union. The main reason for the declines, and the complete elimination in some areas, is competition with livestock. The great majority of habitats presently or previously used by the argali are now occupied by domestic sheep or other livestock. The most intensive competition is for winter range. At that time the argali is forced to forage in areas above the domestic sheep herds, where the snow is very deep. On the Pamir Plateau the argali herds attempt to descend to intermountain valleys for the winter, but may find that the habitat has been overgrazed by domestic animals.

Fedosenko (1985, 1991) indicated that the historical decline of *O. ammon* is continuing in the Altai region west of Lake Baikal. The species was considered common there in the 19th century, but now there are only a few scattered populations that together total about 450 animals. To the southwest, the population of the northern Tian Shan region and eastern Kazakhstan has undergone a critical decline since the late 19th and early 20th centuries, though there has been a recovery in parts of Kazakhstan since the early 1980s. In many places where it was numerous even in the 1940s the argali is now gone or rare, and remnant groups are fragmented. About 9,000 individuals are scattered over a vast part of eastern Kazakhstan and the northern Tian Shan Mountains. The most seriously jeopardized population (often designated the subspecies *O. a. nigrimontana*) in the former Soviet Union is restricted to a small, isolated section of the Kara Tau Mountains in southern Kazakhstan. Although its numbers were high as late as the 1950s, there now are no more than 250 animals.

According to Fedosenko, the largest population in the former Soviet Union is found on the Pamir Plateau of Tajikistan and in the nearby inner and central Tian Shan Mountains of Kyrgyzstan, but even it has declined. Numbers in the Pamirs were estimated at 33,000 in the 1960s, 20,000 in the 1970s, and 10,000–12,000 in the 1980s. Another 5,000 were estimated to inhabit the inner and central Tian Shan in the 1980s. The largest and densest herd, about 2,000 animals, is found in the cold deserts of the northern part of the Kokshaaltau Mountains (eastern Kyrgyzstan) where there is no pasture for domestic sheep. The name *O. a. polii*, or Marco Polo sheep, is sometimes applied to the argali population found in the Pamirs and inner and central Tian Shan. *O. a. polii* is the only subspecies of argali that was not listed as endangered, vulnerable, or rare by the Ministry of Agriculture of the former Soviet Union and not covered in the two editions of the Red Data Book of the USSR (Borodin *et al.* 1978, 1984). Such distinction was a factor in assigning a U.S. threatened, rather than endangered, classification to the argali in Kyrgyzstan and Tajikistan, though the Service recognizes that serious declines have occurred in these countries and that status is questionable in some respects. Further review of the situation could result in reclassification to endangered.

Fedosenko's over-all numerical estimates for argali in the former Soviet Union fell from 33,000–34,000 in 1985 to 25,000–26,000 in 1991 (not including the subspecies *severtzovi*, which he estimated to number 1,500 in 1991). In a detailed report prepared for Safari Club International, and submitted as a comment in response to the proposed rule of October 5, 1990, Domestic Technology International (DTI 1991) argued that the Service should not have relied so extensively on Fedosenko's studies and should have gathered data from other Soviet authorities. DTI also cited Warren Parker, former president of Safari Club International, as reporting a compilation of estimates from scientists in Kyrgyzstan indicating that there are 46,000–47,000 argali in the former Soviet Union. On November 28, 1990, Service representatives met with several Soviet wildlife authorities, including Prof. Dr. Vladimir Sokolov, Director of the Institute of Animal Evolutionary Morphology and Ecology. At the meeting and in a follow-up letter the Service transmitted a request for data on the

status of the argali. In response, the State Committee on Environmental Protection of the former Soviet Union indicated that argali populations are continuing to decline, because of habitat loss and poaching, and that substantial hunting programs would not be currently practical. It also was pointed out, however, that foreign sportsmen are allowed to take 10–12 individuals annually in a strictly regulated hunt in Kyrgyzstan. A cable subsequently was sent to the U.S. embassy in Moscow requesting more precise information, but no response has been received.

The range of the argali extends from the former Soviet Union into Xinjiang, the large northwestern province of China, but information on its status there is limited. Based on historical accounts and recent surveys, Schaller *et al.* (1988) concluded that the argali, once abundant in Xinjiang, now had declined and had vanished from vast tracts. In his response to the Service review of November 24, 1989, Schaller added: "Argali in the Tian Shan of China have seen a drastic decline in recent decades. The animals are either absent from or rare in most areas. Viable populations can be found in only a few spots." DTI (1991) challenged Schaller's statements and provided reports giving several varying views of status, including one estimate of 26,000 argali in Xinjiang, but concluded that the status of the species in that province "must be considered undetermined but not secure." New status reports provided by the IUCN/SSC suggest that there are about 20,000 argali in Xinjiang, divided into a number of populations, and that all are jeopardized by habitat loss, competition from livestock, or other problems.

The southwestern range of the argali extends from the Pamirs of Tajikistan into nearby parts of Xinjiang, Afghanistan, and Pakistan. Schaller *et al.* (1987) recently found that it had disappeared from most of the Chinese portions of its range and that the last viable population there, consisting of fewer than 150 animals, was confined to the western part of the Chalachigu Valley, a finger of land extending between Afghanistan on the north and Pakistan to the south. In adjacent northern Afghanistan there were estimated to be at least 2,500 in 1973. Habibi (1985) indicated that up until 1979 the argali and its habitat were well protected in Afghanistan. However, that was before the recent political upheavals and civil war, and current status of the sheep is unknown. A small population is present in extreme northern Pakistan, but it moves seasonally across the border into China. Recent construction of a highway there has disrupted its habitat and made it accessible to hunters (Geist 1984; Schaller 1977; Schaller et al. 1987). In its response to the Service review, the government of Pakistan indicated that this population had fallen from 300 individuals in the 1970s to a few dozen today.

The argali also appears to have declined farther to the southeast along the Himalayas. The range begins in the Indian state of Jammu and Kashmir and extends into Himachal Pradesh and Sikkim. In a response to the Service review, S.K. Mukherjee, Professor and Additional Director of the Wildlife Institute of India, stated that the species is distributed in very small, patchy units. The largest population, less then 500 animals, is found in the Ladakh region of Jammu and Kashmir. In a separate response, M.K. Ranjitsinh, Additional Secretary of the Ministry of Environment and Forests, stated that the argali has decreased in numbers throughout its range, both in India and Tibet, and that populations are becoming isolated. However, in his response to the review of November 24, 1989, Richard M. Mitchell, a mammalogist with extensive experience in the Himalayan region, wrote that he had received a report from an official of the state government of Jammu and Kashmir, indicating a significant recovery of the argali and a current population of 5,000–8,000 individuals. Comments on the proposed rule, provided both by government authorities in India and the IUCN/SSC, support the lower estimates. Wilson (1985) cited information indicating that the argali once had been fairly common in Nepal, but had declined drastically, with no confirmed sightings since 1965.

The above account generally suggests a serious curtailment of the argali's habitat and range in a great arc from northeastern China, through southern Siberia and Soviet Central Asia, to Xinjiang and the Himalayas. However, there long was a prevalent view that the species still occurred in great numbers throughout the vast heartland in the remote Gobi Desert, Tibetan Plateau, and adjacent parts of Mongolia and China. Now there are growing doubts about whether and how long substantial argali populations will persist in any region. The situation in Mongolia actually has fluctuated. Harper (1945) reported that the numbers in the Gobi "appear to be rather limited." Mallon (1985) stated that there had been a marked decline in Mongolia from 1940 to 1950, but that there was a recovery after protection was established in 1953. Both he and des Clers (1985) indicated that, while competition for habitat with domestic livestock and human disturbance were problems, the argali was relatively high in numbers and well managed.

In contrast, Schaller, responding to the Service review of November 24, 1989, wrote: "I assumed that argali in Mongolia were abundant and well-protected. That may have been true a decade ago but not now. I just spent 3 months in Mongolia, in the Gobi and Altai, to check on the status of wildlife, including argali. As in China, animals are rare or absent in most areas of suitable habitat. Both sheep [two subspecies of argali] can still be found in moderate numbers in remote or uninhabited areas, places perhaps suboptimal because livestock can only subsist there seasonally or not at all. Illegal hunting is a serious problem. Mongolia has had to close a number of hunting camps for foreigners recently because of lack of sheep. Unfortunately, no detailed status survey has been made. However, everyone with whom I talked commented on the general decline of the argali, especially in the Gobi where a drought during the 1980s has eliminated many critical water sources."

The comments on the proposed rule of October 5, 1990, also reflected some conflicting points of view with respect to the situation in Mongolia. DTI (1991) challenged Schaller's statements and argued that argali "in the Gobi Altai are generally increasing in numbers, well managed, not threatened by hunting or by any other human activity, and in fact, their habitat is improving due to the trend for young Mongolian men not to become livestock herders. There is insufficient information to make substantiating observations for other regions of Mongolia." DTI referred to various estimates that put argali numbers in Mongolia at from 15,000 to 60,000 animals. In another response to the proposal, Bertrand des Clers, Director of the International Foundation for the Conservation of Game, explained that his organization has been working with authorities in Mongolia for 17 years and that argali populations and habitat are well protected. He stated that numbers have increased, a conservative estimate for the country being 15,000 to 30,000 animals.

In his comment on the proposal, David Mallon expressed concern that the status of the argali in Mongolia had deteriorated since he had published the views cited in the proposed rule and above. He agreed with Schaller regarding environmental problems,

indicated that competition from livestock and increased access to limited range were major problems, and suggested that total numbers were clearly less than 40,000 animals. The status reports provided by the IUCN/SSC basically accept the information from Mallon. In his own comments on the proposal, Schaller pointed out that the argali may be locally abundant in parts of Mongolia, particularly where foreign hunters are taken, but that his general surveys over larger and more remote areas support the views that he presented earlier and that are cited above.

As with Mongolia, there is considerable disagreement regarding the status of the argali on the Tibetan Plateau and in adjacent north-central China—the provinces of Xizang (Tibet), Qinghai, and Gansu, and parts of Xinjiang, and Sichuan. In his response to the Service review, Richard M. Mitchell, who has much experience in China, reported that, based on his work in the region, the argali still is widespread, numerous, and secure. He noted that the remoteness of the habitat, the extremely rugged terrain, and the relatively low number of people are conditions that help to ensure the safety of the argali populations. Moreover, the people generally lack suitable hunting weapons and the animals are difficult to approach. Competition with domestic stock is a major threat, but is limited to accessible areas along roads and near communes. Over 350 argali were seen during a 7-day hunt in April 1988 in Gansu. Mitchell stated that he had seen a total of over 500 argali in the wild and that based on the density of these sightings, he would conservatively estimate the number of argali in China to be well over 100,000. In another response to the review, Bart O'Gara (Montana Cooperative Wildlife Research Unit) wrote that his experience in Qinghai Province indicates that argali there are "as plentiful as bighorns (*Ovis canadensis*) in Montana," but this assessment was based on observations at only a couple of locations. According to Thorne, Hickey, and Stewart (1985), Montana, which is about half the size of Qinghai, has approximately 4,600 bighorn sheep.

Comments on the proposed rule of October 5, 1990, provided some conflicting information. Mitchell reiterated his views, giving a new estimate of 117,000 to 143,000 argali in China and arguing that the animals are under no immediate threat. The Chinese Ministry of Forestry stated that argali populations are basically stable and that the number in Gansu Province is around 20,000. Lit Ng, an American sportsman who has traveled extensively in remote parts of China, reported that his own observations plus his discussions with many Chinese authorities support the presence of large and well-protected populations in Gansu. A number of Chinese biologists provided brief statements suggesting that the argali is not in jeopardy in Gansu or on the Tibetan Plateau. DTI (1991) tabulated numerous accounts of the species in the region, but concluded that in Qinghai the argali "cannot be considered secure," and that "Although the species might be on the increase, the overall status of argali in Gansu Province must still be considered undetermined."

The view that the argali has declined drastically on the Tibetan Plateau is based on observations by several authorities and on socioeconomic developments in the region. Galen Rowell (1990) in a recent article and in this response to the Service review of November 24, 1989, explained that since the Chinese occupation of Tibet in the 1950s, there have been major increases in human population, military and industrial activity, and environmental disturbance. The replacement of a nomadic subsistence economy by communes geared toward agricultural exportation has led to a tenfold rise in the amount of domestic livestock and to massive destruction of the fragile habitat from overgrazing. The loss of forage, together with uncontrolled hunting by military forces, has resulted in the disappearance of the former large herds of argali, wild yak, gazelle, and antelope. Rowell and others that he cited found that they could walk, ride, or drive for weeks through regions that historically supported vast numbers of wildlife without seeing a single large wild animal. In his response to the review, Schaller wrote with respect to argali in Tibet: "They are rare, most populations small, localized, and isolated; they are now gone from vast tracts." He added that the decline of wildlife has been general, not just in the most accessible areas, and that the herds remain moderatley abundant only in northwestern Tibet, where there has not yet been extensive hunting. The argali has been the species hardest hit by recent developments and now is the rarest ungulate in the involved region.

As already noted,there have been challenges to the general view, as expressed by Schaller, Rowell, and others, that argali populations have declined seriously on the Tibetan Plateau and in adjacent parts of China. Nonetheless, other authorities, in commenting on the proposed rule, also indicated that the argali warrants classification as endangered or threatened throughout China. These include Sandro Lovari and David Shackleton, who are, respectively, Chairman and Deputy Chairman of the IUCN/SSC Caprinae Specialist Group, and Raul Valdez and Pierre Pfeffer, whose books on wild sheep are cited in this document. Moreover, the IUCN/SSC provided a region-by-region status report on the argali in China, compiled mostly by authorities in that country. The report indicated that the total estimated number of argali throughout China is approximately 30,000 to 40,000, and classified all populations as endangered or vulnerable. All were considered jeopardized by poaching and/or habitat disruption.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Writing of the general decline of wild sheep and goats in the Himalayas, Schaller (1977) was critical of unscrupulous sportsmen, but noted: "Far more detrimental to wildlife than trophy hunting has been meat-hunting by local people * * * hunting has reduced most populations to a point where it is difficult to find localities with animals still living at natural densities and pursuing their existence in a normal social milieu."

Excessive hunting was a major factor in the historical disappearance of the argali from Siberia and northeastern China, and in its decline in other regions (Hapre 1945). It also caused at least a temporary depression of the populations in Mongolia during the 1940s (Mallon 1985), and, according to Schaller in his comments, is a serious problem there today (see above discussion of factor "A"). In Soviet Central Asia, poorly controlled hunting has been blamed in part for declining numbers of argali, both directly and through adverse alteration of the sex ratio and age composition of the herds, thereby reducing productivity (Fedosenko 1985). Intensive hunting, facilitated by construction of a highway, has led to the near extermination of the argali population that migrates between Pakistan and China (Schaller *et al.* 1987). Commercial hunting in Xinjiang during the 1970s resulted in trainloads of ungulate meat, including argali, being shipped eastward from the Tian Shan Mountains and contributed to the decline of the argali from that region (Schaller *et al.* 1988).

Again, there is disagreement regarding the effects of hunting on the Tibetan Plateau. In his comments on the Service

review, Mitchell argued that there has been no sport hunting in the region, and that the local people lack adequate firearms, ammunition, and transportation. Of over 100 argali skulls that he found in the field, all but one came from animals that had died naturally. In contrast, Rowell indicated that indiscriminate hunting by Chinese soldiers and armed civilians has contributed to the decline of the argali and other formerly abundant species of wildlife in Tibet. In his 1990 article, he stated that military forces have hunted for sport and, using machine guns, have made organized hunts for commercial purposes. Schaller (1986) wrote that on the Tibetan Plateau "there once lived great wild herds that rivaled those on the plains of North America. * * * Such herds are now almost gone. In recent decades, roads, mining camps, and herdsmen with livestock have penetrated even remote parts of the vast plateau * * *. Hunters have eliminated or reduced the numbers of wild animals over huge tracts."

In his original response to the Service review, O'Gara expressed concern that argali meat might be exported from China as was that of blue sheep (*Pseudois nayaur*). In his subsequent comments on the proposed rule, however, he indicated that this problem had passed. DTI (1991) supported the position that meat hunting is no longer a serious threat in China, but, as already noted, information newly provided by the IUCN/SSC indicates that poaching is a major problem for nearly all argali populations in that country.

Warren Parker, former president of Safari Club International, wrote in his response to the Service review: "We believe that in many cases, controlled sport hunting is the only feasible way to give these animals sufficient value to serve as an incentive for their conservation. Without such an incentive, the growing human populations, even in these remote areas, will inevitably lead to the decline of many of these species." This position, to some degree, was expressed by many parties who commented on the proposed rule, even by some who favored a ban on importation of trophies for the immediate future. There was perhaps a consensus, not that sport hunting is the only way to encourage argali conservation, but that it would contribute to such conservation if it is properly regulated, if it is based on reliable population data, and if it generates funds and leads to other practical benefits for the argali in the wild.

Although the Service has tentatively accepted the validity of the latter position, it is by no means the unanimous view of wildlife experts. Sandro Lovari, Chairman of the IUCN/SSC Caprinae Specialist Group, noted: "My personal view on the wise use of economic proceeds of sport hunting in Asia is rather pessimistic. I think that only few local people may be benefitted by hunting because (1) at present, hunting in Central Asia can hardly become so popular as to be a sustainable source of income for whole villages and towns; (2) most or all of the hunting fees will go to the government (or to officials) and hardly any local people will be substantially benefitted by that; (3) the frequent turnover of officials responsible for mangement in politically "difficult" and "unstable" countries does not favour the enforcement of long term management measures."

C. Disease or Predation

Various diseases and predation by wolves have been considered problems for some argali populations (Fedosenko 1985; Harper 1945). However, these and other natural difficulties are to be expected and usually only become of serious conservation concern when populations already have been severely reduced or fragmented through human disturbance.

D. The Inadequacy of Existing Regulatory Mechanisms

The subspecies *O. ammon hodgsoni* is on appendix I of CITES and all other subspecies are on appendix II. While such designations may assist in controlling international movement of parts and products, they have a negligible effect on the habitat disturbances and local hunting that are the main problems confronting the argali. Although the species is legally protected in the countries it occupies, a general view expressed in the sources cited in the above discussion is that enforcement is very difficult in the remote areas involved.

During the course of the comment periods on the proposed rule of October 5, 1990, it became apparent that one of the most critical issues in determining the proper classification and regulations for the argali would be the ability and willingness of regulating authorities in particular foreign countries to obtain adequate data on the status of populations, to develop and maintain management programs providing for long-term conservation, and to enforce laws and mechanisms permanently sustaining such populations and programs, as well as sufficient habitat and other conducive conditions. Lack of the foregoing situation, or at least of the assurance of its existence, becomes a factor in determining status pursuant to the Act.

The Service is confident that there are many official parties in each country within the range of the argali, who sincerely favor the long-term conservation of the species. In some cases such parties may advocate the view that sport hunting programs have the potential to facilitate conservation of wild argali populations under certain circumstances, and that the ability of foreign sportsmen to import their trophies to their home countries would be important in encouraging the hunting programs. As noted above, the Service tentatively accepts this basic premise. However, in order to provide for the involved importation, the Service must have assurance of the adequacy of regulatory mechanisms. Lack of such adequacy or of such assurance is a factor in assessing classification and regulation pursuant to the Act.

Of the several countries for which a reasonable argument might be made that sport hunting programs could potentially facilitate conservation, substantive supporting information has been received only for Mongolia. This information has come largely from comments on the proposed rule by des Clers, as well as his published paper (1985), and from DTI (1991) and various other commenters, including Valdez. It does appear that there is an effective management and sport-hunting program in place in portions of that country that could facilitate argali conservation. That program, together with reports of relatively large and secure argali populations, suggest that the species may not warrant classification as endangered there. Questions remain about the situation in Mongolia, however, and available information has been received mainly from outside parties and not appropriate government authorities. In addition to several attempts to contact such authorities in Mongolia, a cable recently was transmitted to the U.S. embassy there, specifically pointing out the failure of the government to provide necessary information and requesting that it once more be asked to do so. A late response transmitted some encouraging news from the Mongolian Environmental Control Committee, but supplied few data on population status, management, enforcement, and funding. Although the Service is classifying the argali as threatened in Mongolia and issuing a special regulation providing for eventual importation, government authorities

there will have to supply necessary documentation, as described above, in order to meet the requirements of the regulation. Inability to confirm appropriate conditions in Mongolia and/or to properly regulate importation of trophies from that country would become a factor in considering proposed or emergency reclassification of the argali there as endangered.

The Service is not convinced of the adequacy of regulatory mechanisms in the countries of the former Soviet Union. As discussed above, official response to a series of requests for information from that country was limited largely to a communication from the State Committee on Environmental Protection, in which it was indicated on the one hand that hunting was prohibited and not practical, and on the other hand that there is strictly regulated sport hunting in Kyrgyzstan. Although several unofficial commenters also suggested that there still are substantial and well-managed argali populations in Kyrgyzstan and perhaps one or two adjacent republics, efforts to obtain detailed official information have not yielded results. A recent comment from Leonid Baskin, Director of Biology of the Institute of Animal Evolutionary Morphology and Ecology in Moscow, expressed concern about a spontaneous increase in commercial hunting in the former Soviet Union and the potential great damage to argali populations. Also, the Service's Office of International Affairs has received information suggesting that the newly independent local game agencies of the various republics are actively seeking funds through an influx of foreign big game hunters. While such development is not necessarily detrimental, the Service does not wish to encourage additional hunting under questionable circumstances. The fluid situation in the former Soviet Union and the lack of assurances about regulatory mechanisms, together with the major declines in argali populations discussed above, have contributed to the decision to classify the species as endangered throughout the region, except in Kyrgyzstan and Tajikistan. Those two countries harbor what is still by far the largest argali population in the former Soviet Union, and one that seems to some extent protected by the remoteness of its habitat and by controls on hunting (the communication from the Soviet State Committee on Environmental Protection indicated that the argali was completely protected in Tajikistan and subject only to a very limited sport hunt in Kyrgyzstan). As in the case of Mongolia, however, the Service will require considerable documentation from the current governments of those two countries, prior to allowing importation, and, pending various legal, political, and bioconservation factors, may find reclassification to endangered status advisable.

Official response from China also has been limited, though the Service has received a letter from the Ministry of Forestry, through the U.S. embassy in Beijing, indicating that strictly regulated hunting programs have begun in several areas, particularly Gansu Province, and that more than 60 percent of the income generated is being retained locally for the protection of the argali and other wildlife. While encouraging, this statement does not meet the Service's requirement for detailed population and management data, as discussed above. Moreover, among the parties commenting on the proposed rule, including even those who favor sport hunting, there was a general (though not unanimous) consensus that the Chinese management programs are still in the formative stage. A number of authorities, including Schaller, Shackleton, and Valdez, reported that regulatory mechanisms in China are inadequate, and indicated that importation on the basis of these mechanisms would jeopardize the survival of the argali. In a comment on the proposed rule, John G. Mendoza, a Service law enforcement agent, indicated that investigations have revealed a lack of management capability in China. He reported that several American biologists with extensive experience in China indicated to him that the argali was rare in that country and/or that regulatory mechanisms there were very poor.

E. Other Natural or Manmade Factors Affecting Its Continued Existence.

Severe winter weather has been blamed for the loss or decline of some argali populations (Fedosenko 1985; Mallon 1985). In 1985, the most severe blizzard in 30 years struck the Tibetan Plateau, making it difficult for herbivorous animals to find food and resulting in the death of thousands (Schaller 1986). Such problems always are of greatest concern if populations already have been reduced by human activity.

The decision to add the argali to the List of Endangered and Threatened Wildlife was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. There is no question that many populations have disappeared or declined seriously through human activity and that at least some of the current populations are highly vulnerable to habitat destruction and excessive hunting. In addition, there is little assurance that regulating authorities in foreign countries have the capability to obtain necessary data and to manage the argali and its habitat in such manner as to provide for the permanent well being of the species. Because of these and other problems, it has been decided to classify the argali as endangered in most of its range. In making this decision the Service relied heavily on the views of recognized international wildlife authorities, including Dr. George B. Schaller and the IUCN/SSC Caprinae Specialist Group. A partial exception to the general situation appears to exist in Kyrgyzstan, Mongolia, and Tajikistan, where there reportedly are substantial and well-protected argali populations. Therefore, the argali will be classified as threatened in those three countries and a special rule will provide for limited importation of trophies. Even in that case, however, the Service will need to receive authoritative documentation of conditions before the rule can be fully implemented. Many questions remain and the Service will endeavor to obtain and evaluate additional pertinent information that may lead to future modifications in the classifications and regulations covering the argali. Critical habitat is not being determined, as its designation is not applicable outside of the United States.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(A)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the

continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this proposal.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species, and to provide assistance for such programs, in the form of personnel and the training of personnel. Pursuant to these provisions of the Act, and because of the uncertainty of the situation in Kyrgyzstan and Tajikistan, the Service now is planning to contribute funds toward surveys of the status of the argali in those two countries. Such an effort may be part of a larger project involving other forms of assistance and cooperative funding from additional organizations.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all endangered and threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered or threatened wildlife. It also is illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. The importation of a personal trophy, taken through a carefully managed sport hunting program that provides an economic incentive for the general conservation of the involved species, may in some cases be considered to enhance the survival of that species. For threatened species, there also are permits available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** of October 25, 1983 (48 FR 49244).

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List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is hereby amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by revising the entry under MAMMALS for the "Argali *Ovis ammon hodgsoni*" to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals:							
*	*	*	*	*	*	*	
Argali	*Ovis ammon*	Afghanistan, China, India, Kazakhstan, Kyrgyzstan, Mongolia, Nepal, Pakistan, Russia, Tajikistan, Uzbekistan.	Entire except Kyrgyzstan, Mongolia, and Tajikistan.	E	15,475	NA	NA
Do	do	do	Kyrgyzstan, Mongolia, and Tajikistan.	T	475	NA	17.40(j)
*	*	*	*	*	*	*	

3. Amend § 17.40 by adding a new paragraph (j) to read as follows:

§ 17.40 Special rules—mammals.

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(j) Argali (*Ovis ammon*) in Kyrgyzstan, Mongolia, and Tajikistan—(1) Except as noted in paragraph (j)(2) of this section, all prohibitions of § 17.31 of this part and exemptions of § 17.32 of this part shall apply to this species in Kyrgyzstan, Mongolia, and Tajikistan

(**Note**—In all other parts of its range the argali is classified as endangered and covered by § 17.21).

(2) Upon receiving from the governments of Kyrgyzstan, Mongolia, and Tajikistan properly documented and verifiable certification that (a) argali populations in those countries are sufficiently large to sustain sport hunting, (b) regulating authorities have the capacity to obtain sound data on these populations, (c) regulating authorities recognize these populations as a valuable resource and have the legal and practical capacity to manage them as such, (d) the habitat of these populations is secure, (e) regulating authorities can ensure that the involved trophies have in fact been legally taken from the specified populations, and (f) funds derived from the involved sport hunting are applied primarily to argali conservation, the Director may, consistent with the purposes of the Act, authorize by publication of a notice in the **Federal Register** the importation of personal sport-hunted argali trophies, taken legally in Kyrgyzstan, Mongolia, and Tajikistan after the date of such notice, without a Threatened Species permit pursuant to § 17.32 of this part, provided that the applicable provisions of 50 CFR part 23 have been met.

Dated: May 19, 1992.

Richard N. Smith,

Acting Director.

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